

STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

IN THE MATTER OF

Cherry Hill Wine & Spirits
Bhavana Parikh, Permittee
Bhachini Inc., Backer
Liquor Permit No. LIP.12295
Case No. 2011-954

Docket No. 2013-754
October 17, 2013

MEMORANDUM OF DECISION

This matter involves a package store liquor permit issued to Cherry Hill Wine & Spirits, 1890 Dixwell Avenue, Hamden, Connecticut. A formal administrative hearing was held before the Department of Consumer Protection on October 17, 2013. Despite proper notice, the respondent failed to appear at the hearing.

The allegations against the permit premises arose from an investigation conducted by the Department of Consumer Protection's Liquor Control Division. It is alleged that on or about December 21, 2012, the respondent violated Sec. 30-47(1) of the Connecticut General Statutes in that the respondent is financially irresponsible and neglects or is unable to pay its just debts. It is further alleged that on or about May 20, 2013, the respondent violated Sec. 52-400e of the Connecticut General Statutes in that the respondent deliberately failed to pay a judgment rendered against it relating to its liquor permit, which judgment has remained unpaid for more than 180 days since entry of judgment.

The following facts are found: Beginning in 2006, the respondent rented commercial space in a shopping plaza at 1869 Dixwell Avenue, Hamden, Connecticut, from CW Parkway Plaza, LLC, where the respondent operated a package store. Over time, the business relationship between the parties deteriorated. The respondent failed

to pay rent on time, sometimes made only partial rent payments, and sometimes the rent checks were returned for insufficient funds. The respondent ultimately ceased making rent payments for its package store, LIP.12295. The respondent vacated 1869 Dixwell Avenue, Hamden, Connecticut in 2011, owing the landlord a large sum for unpaid rent arising from the operation of the package store and removed its permit to 1890 Dixwell Avenue, Hamden, Connecticut. The landlord thereupon instituted litigation against the respondent. The respondent entered into a number of stipulated agreements to resolve the dispute but failed to comply with the terms of any of the agreements. On December 21, 2012, the Superior Court, Housing Session at New Haven, in Docket No. CVNH 0712-13097 entered judgment for the landlord, CW Parkway Plaza, LLC, in the amount of \$373,863.32 plus taxable costs and attorney fees against the permittee and the backer corporation. The respondent is fully aware of the judgment, has deliberately failed to pay any amount of such judgment, more than 180 days have passed since entry of the judgment and the judgment remains unpaid.

The Liquor Control Act grants the Liquor Control Commission a liberal discretionary power to determine factual matters with regard to liquor permits and to suspend or revoke the permit after a hearing. *Balog v. Liquor Control Commission*, 150 Conn. 473, 191 A.2d 20 (1963). This power to suspend or revoke a liquor permit is exercised conservatively, but mindful that dispensing liquor is a privilege, not a right. *Beckanstin v. Liquor Control Commission*, 140 Conn. 185, 99 A.2d 119 (1953). Based upon the testimony and documents submitted at the hearing, the department finds the respondent in violation of Sec. 30-47(1) of the Connecticut General Statutes in that it is financially irresponsible and neglects or is unable to pay its just debts. We further find the respondent has deliberately failed to pay the December 21, 2012 judgment relating

to its liquor permit, in violation of Sec. 52-400(e) of the Connecticut General Statutes. More than 180 days have elapsed since entry of the judgment against the respondent in CVNH 0712-13097 and such judgment remains unpaid.

Therefore, the department ORDERS this package store liquor permit REVOKED immediately in accordance with Sec. 30-6-A8(c) of the Regulations of Connecticut State Agencies.

DEPARTMENT OF CONSUMER PROTECTION
LIQUOR CONTROL COMMISSION
BY:

Elisa A. Nahas, Esq.
Designated Presiding Officer

Angelo J. Faenza, Commissioner

Stephen R. Somma, Commissioner

Parties:

Bhavana Parikh, 24 Royal Crest Drive, Prospect, CT 06712
(Via US Mail and Certified Mail # 7010 0290 0000 0308 1003)
Bhavana Parikh, Permittee, Cherry Hill Wine & Spirits, 1890 Dixwell Avenue, Hamden, CT 06514
(Via US Mail and Certified Mail # 7010 0290 0000 0308 0990)
Bhavana Parikh, c/o Jan Trendowski, Esq. and Ann Leavitt, Esq., Trendowski & Allen, 90 Main Street, Suite 201, Centerbrook, CT 06409
(Via US Mail and Certified Mail # 7010 0290 0000 0308 0983)

Nonparties:

John Suchy, Director, Liquor Control Division
Connecticut Beverage Journal, 2508 Whitney Ave., P.O. Box 185159, Hamden, CT 06518
Connecticut State Library, 231 Capitol Avenue, Hartford, CT 06106